

# FREQUENTLY ASKED QUESTIONS

## Who is the U.S. Fish and Wildlife Service?

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. The Service manages the 92-million-acre National Wildlife Refuge System comprised of more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

The Kankakee River Basin is located in the Great Lakes-Big Rivers Region of the Service, which includes the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The Great Lakes-Big Rivers Region manages 1.2 million acres of land and water on 46 national wildlife refuges and 9 wetland management districts, including more than 240,000 acres in waterfowl production areas. The Region also manages 6 national fish hatcheries, 9 fisheries stations, 10 ecological services field offices, and 18 law enforcement field offices.

The Service mission is working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

Service programs and management actions are guided by the following goals:

- / Sustainability of Fish and Wildlife Populations: Migratory birds, endangered fish and wildlife species, interjurisdictional fish, and marine mammals are conserved, protected, enhanced, or restored. The Service is participating in conservation of other species when its expertise, facilities, or lands can enhance state, tribal, or local efforts.
- / Habitat Conservation - Network of Lands and Waters: An ecologically diverse network of lands and waters, of various ownerships, is conserved to provide habitats for marine mammals and migratory, interjurisdictional, endangered, and other species associated with ecosystems conserved in cooperation with others.
- / Connecting Americans to Wildlife: The American public understands and participates in the conservation and use of fish and wildlife resources.
- / Workforce Excellence: The Service's workforce, scientific capability, and business practices - in cooperation with the Department's scientific expertise - fully support achievement of the Service mission.

## What is the National Wildlife Refuge System?

The National Wildlife Refuge System is the world's largest and most diverse collection of lands set aside specifically for wildlife. The refuge system began in 1903 when President

Theodore Roosevelt designated 3-acre Pelican Island, a pelican and heron rookery in Florida, as a national bird sanctuary.

Today, over 500 national wildlife refuges have been established from the Arctic Ocean to the South Pacific, from Maine to the Caribbean. Varying in size from half-acre parcels to thousands of square miles, they encompass more than 92 million acres of the Nation's best wildlife habitats. The vast majority of these lands are in Alaska (77 million acres), with the rest spread across the rest of the United States and several U.S. territories.

Like Pelican Island, many early wildlife refuges were created for herons, egrets, and other water birds. Other refuges were set aside for large mammals like elk and bison. But by far the most have been created to protect migratory waterfowl. This is a result of the United States' responsibilities under international treaties for migratory bird conservation and legislation such as the Migratory Bird Conservation Act of 1929. Refuges dot the map along the four major "flyways" that waterfowl follow from their northern nesting grounds to southern wintering areas. National wildlife refuges also play a vital role in preserving endangered and threatened species and their habitat. Among these are Aransas refuge in Texas, the winter home of the whooping crane; the Florida Panther refuge, which protects one of the Nation's most endangered mammals; and the Hawaiian Islands refuge, home of the Laysan duck, monk seal, and many other species.

National wildlife refuges offer the public a wide variety of recreational and educational opportunities. Many refuges have fishing and hunting programs, visitor centers, wildlife trails, and environmental education programs. Nationwide, some 34 million visitors annually hunt, fish, observe, and photograph wildlife or participate in interpretive activities on Service national wildlife refuges.

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations.

National Wildlife Refuge System goals include:

- / Preserve, restore, and enhance in their natural ecosystems (when practical) all species of animals and plants that are endangered or threatened with becoming endangered;
- / Perpetuate the migratory bird resource;
- / Preserve a natural diversity and abundance of fauna and flora on refuge lands; and
- / Provide an understanding and appreciation of fish and wildlife ecology and humankind's role in their environment and to provide refuge visitors with high quality, safe, wholesome and enjoyable recreational experiences oriented toward wildlife to the extent these activities are compatible with the purposes for which each Refuge was established.

National Wildlife Refuge System guiding principles include:

- / Habitat: Fish and wildlife will not prosper without high quality habitat, and without fish and wildlife, traditional uses of refuges cannot be sustained. The Refuge System will continue to conserve and enhance the quality and diversity of fish and wildlife habitat within refuges.

/ Public Use: The Refuge System provides important opportunities for compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

/ Partnerships: America's sportsmen and women were the first partners who insisted on protecting valuable wildlife habitat with wildlife refuges. Conservation partnerships with other Federal agencies, state agencies, tribes, organization, industry, and the general public can make significant contributions to the growth and management of the Refuge System.

/ Public Involvement: The public should be given full and open opportunity to participate in decisions regarding the acquisition and management of our national wildlife refuges.

The National Wildlife Refuge System is one of the most unique and unmatched collections of public land in the world. Many refuges are close to urban areas and almost every part of the country has a refuge nearby. Here are just a few facts that make refuges interesting and unique.

- L North Dakota has the most refuges, followed by California, then Florida.
- L The Aleutian islands of Attu and Kiska in Alaska Maritime NWR were seized by Japan in World War II, the only U.S. lands controlled by a foreign power since the War of 1812.
- L Oil found on Kenai NWR in 1957 gave impetus to Alaska statehood in 1959.
- IL In 1935, Red Rock Lakes NWR (Montana) was created to save the last 73 endangered trumpeter swans known in the wild. Today, 16,000 of the majestic birds are found in Alaska, Montana, and the upper Midwest.
- L One of the largest U.S. swamps, the 600 square mile Okefenokee NWR (Georgia) is also a National Wetlands Conservation Site and home to 15,000 alligators and carnivorous plants such as the hooded pitcher plant and golden trumpet.

### **Why develop a new national wildlife refuge in the Kankakee River Basin?**

The Kankakee River Basin has long been recognized for its wetland and wildlife values. Prior to nineteen hundred, the Basin contained one of the most ecologically important and largest wetland complexes in the nation. The Great Kankakee Swamp (also known as the Grand Marsh) contained more than one million acres of wet prairie and marshes. The area provided internationally-renowned habitat for migratory birds, resident game, and fish. However, by the early 1900's, the marsh had been almost entirely drained for agricultural production. Today, only a small fraction of the former wetlands remain and nearly all of the wet prairies have disappeared.

Such losses have not been confined to the Basin. Of the estimated 5,600,000 acres of wetlands that existed in Indiana prior to European settlement, a mere 13 percent remain, and few of these support the full array of plants and animals that existed in this habitat originally. Likewise, of the 8,212,000 acres of wetlands that existed in Illinois, only 15 percent remain.

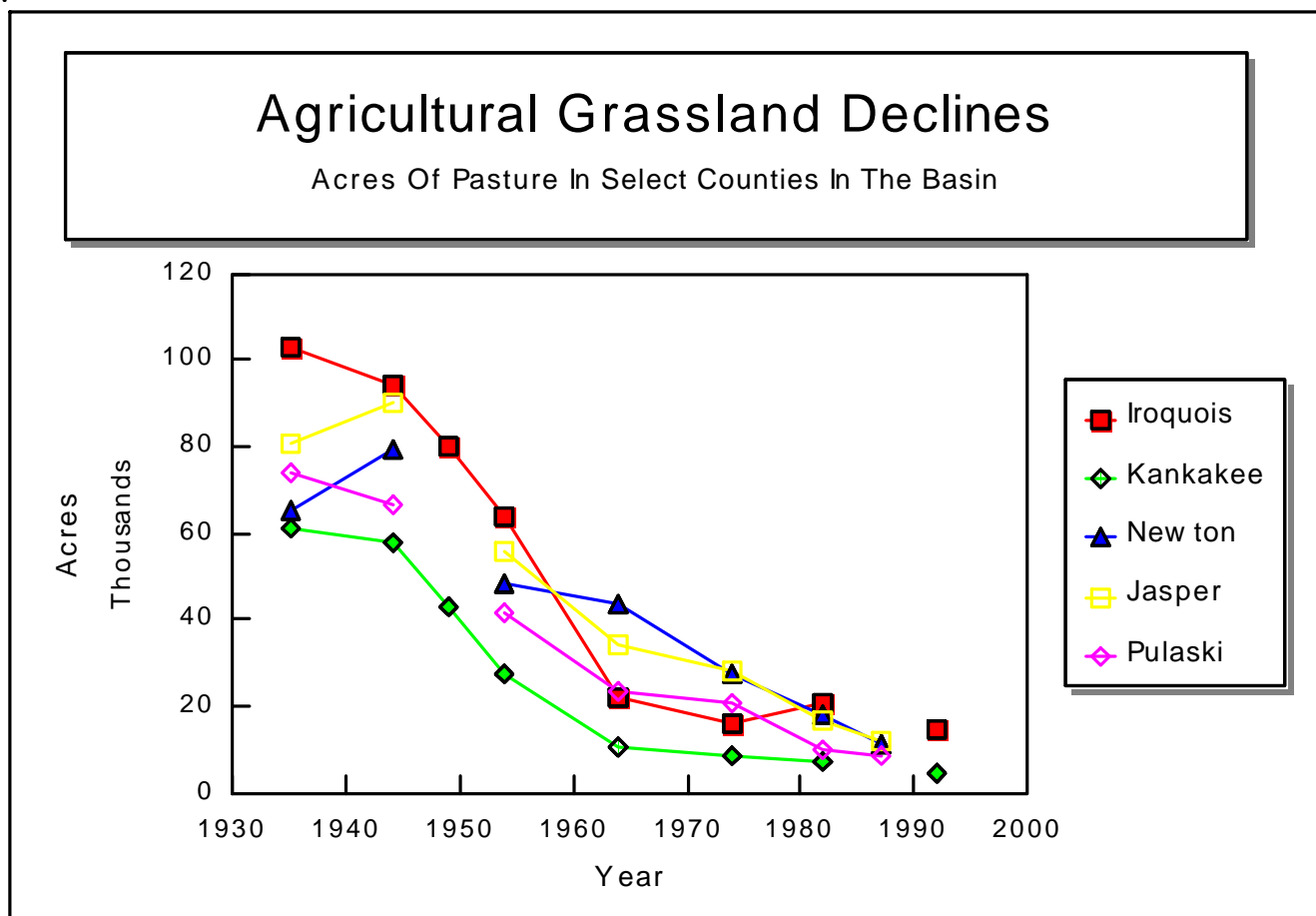
The tallgrass prairie ecosystem is composed of warm and cool season grasses like big bluestem, porcupine grass, prairie dropseed, little bluestem, Indian grass, and prairie cordgrass and is among the most biologically productive of all ecosystems. It includes a diversity of forbs such as lead plant, Maximilian's sunflower, prairie coneflower, and several others. Beneath these plants are shade-tolerant grasses such as Scribner's panicum, able to flourish even as other plants dominate nearly all the sunlight. A full 75 to 85 percent of the prairie's biomass is underground, contained in the roots that extend anywhere from 12 to 20

feet beneath each main stem. Each plant species within the prairie attracts its own species of insects, invertebrates, and other organisms that provide the food base for birds, reptiles, and amphibians. Conversion of the prairie through plowing, drainage, and other development has resulted in the loss of more than 99 percent of the original 25 million acres.

For years following the initial conversion of native Midwestern prairies, many prairie dependent wildlife populations remained relatively stable because of their ability to colonize agricultural grasslands. However, since the 1950's, the acreage of agricultural grasslands has significantly declined, and in many parts of the region, is at its lowest level in more than 100 years (Figure 1).

Consequently, grassland-dependent birds have shown steeper and geographically more widespread declines than any other group of North American birds. Breeding Bird Surveys for the Great Lakes-Big Rivers Region indicate that grassland nesting, non game species have shown significant average annual declines since the mid-1960's. Species experiencing declines include the grasshopper sparrow (-5.5 percent), dickcissel (-3.6 percent), bobolink (-3.3 percent), Henslow's sparrow (-7.6 percent), vesper sparrow (-1.7 percent), savannah sparrow (-1.1 percent), lark sparrow (-2.7 percent), field sparrow (-3.0 percent), eastern meadowlark (-2.9 percent) western meadowlark (-4.0 percent), and American bittern (-7.5 percent).

Fortunately, the Basin still provides some outstanding remnants and restorable habitat for migratory birds. Reestablishment of riparian areas, wetlands, wet prairies, sedge meadows, and associated grasslands would create habitats essential for many nesting and migrating songbirds, and contribute to the long-term recovery of some neotropical migrant populations. Particularly large wetland complexes with interspersed grassy uplands are vital to the survival of many of these species. Wet prairies and sedge meadows are particularly important as they provide an important early source of insects and other invertebrates for many grassland birds.



**Figure 1 - Agricultural grassland declines in select counties in the Basin.**

These areas also tend to stay moist longer into the summer, thus prolonging insect and invertebrate availability.

The Basin also provides important habitat for several federally endangered and threatened species, such as the Mitchell's Satyr butterfly, Indiana bat, copperbelly watersnake, Mead's milkweed, and eastern prairie-fringed orchid. Unfortunately, many of these habitats are threatened by air and water pollution, exotic species, and particularly habitat fragmentation caused by development. The area also has great potential for meeting other Service objectives, such as providing high quality environmental education and recreation opportunities to the public.

### **How and when did this project get its start?**

The Service has long been aware of the tremendous natural resource value of the Basin.

Numerous federal, state, local, and private entities provide background and framework for the Service's proposed action. These include the North American Waterfowl Management Plan, the National Wetlands Priority Conservation Plan, the Kankakee River Master Plan, the Service's Regional Wetlands Concept Plan and Unique Ecosystems Plan, the Service's Ecosystem Plan for the Upper Mississippi River, ongoing planning efforts of the U.S. Army

Corps of Engineers (COE), and comprehensive planning efforts of Kankakee County, Illinois, just to name a few.

In 1996, the Service initiated a formal planning process aimed at evaluating the feasibility of developing a new national wildlife refuge in the Basin. The process has included a thorough review of opportunities and issues related to fish and wildlife resource management by the Service in the Basin, as well as an assessment of roles the Service might take in achieving its mission, the mission of the National Wildlife Refuge System, and goals established for the region. The planning process was initiated in response to the declining status of numerous Service trust resources in the Basin and studies indicating that habitat loss and degradation are common causal factors in those declines.

Following is a general outline of that planning process:

1996 - The Service developed a Preliminary Project Proposal seeking the Director's approval to initiate a refuge planning project in the Kankakee River Basin.

1997 - Assembled planning team, determined the scope of the planning effort, developed project goals, designed a process and schedule for the project.

1997-1998 - Identified opportunities and issues through public involvement, gathered and analyzed information, developed Conceptual Management Plan.

1998 - Published Draft Environmental Assessment and Conceptual Management Plan.

1999 - Publish final Environmental Assessment and Conceptual Management Plan. (August 1999).

1999-2002 - Initiate detailed planning through the develop of a Comprehensive Conservation Plan.

## **The Draft and Final Environmental Assessment identified 14 focus areas in Illinois and Indiana. What are “focus areas?”**

Focus areas are locations where the Service would initially concentrate detailed planning (conduct biological assessments, surveys, hydrologic studies) in developing the Refuge. However, focus areas are not Refuge boundaries. Refuge boundaries will ultimately conform to individual land tracts as they are purchased from willing sellers.

## **What is the Service's policy toward land acquisition?**

The Service acquires lands and interests in lands consistent with legislation or other Congressional guidelines and Executive Orders, for the conservation of fish and wildlife and to provide wildlife-oriented public use for educational and recreational purposes. The Service policy is to acquire land only when other protective means, such as zoning or regulation, are not appropriate, available, or effective. When the Service acquires land, it acquires fee title (control of all property rights) only if control of lesser property interests (such as conservation

easements, leases, or cooperative agreements) will not achieve objectives. The Service land acquisition policy is to purchase land from willing sellers only. Written offers to willing sellers are based on professional appraisals using recent sales of comparable properties in the area. Additional information on Service land acquisition can be found on the Internet at: <http://www.fws.gov/r9realty/>

## **What criteria would the Service use when selecting lands for the Refuge?**

Apart from biological criteria, the presence of willing sellers is the most basic criterion in selecting land.

Other criteria will include:

1. Large tracts of 1,000 acres or more; smaller tracts would be considered given the presence of outstanding biological characteristics.
2. Tracts that require minimal management and development cost and low annual operation and maintenance costs.
3. Tracts enrolled in the Conservation Reserve Program, Conservation Reserve Enhancement Program, or Wetland Reserve Program.
4. Lands that have the capacity to provide flood relief along with providing fish and wildlife benefits.

## **Where does funding for land acquisition for wildlife refuges come from?**

Typically, money to acquire land for national wildlife refuges comes from the Land and Water Conservation Fund and/or the Migratory Bird Conservation Fund, both of which were established through federal law. The Land and Water Conservation Fund derives its money primarily from the sale of products on federal land, such as offshore oil and gas leases. Funds for the Migratory Bird Conservation Fund are derived from the sale of federal duck stamps.

## **If I own land in one of the focus areas, would I ever be forced to sell?**

No. Focus areas are not refuge boundaries. They are planning units. All habitat restoration and preservation by the Service would be on a voluntary basis (willing buyer/willing seller only) and only lands in which the Service acquires a realty interest would become part of the Refuge. Actual Refuge boundaries would ultimately conform to specific land tracts as they are purchased from willing sellers within the focus areas. Lands identified in the focus areas are in private and public ownership. It is not the intent of the Service to acquire lands already in public ownership. Only the presence of willing sellers and only after detailed planning would lands be acquired for the Refuge.

## **If I own land in or around an area that the Service says has high natural resource values, will my property ever be condemned?**

No. While the Service has this authority, it doesn't use it except to clear title or preserve critically imperiled endangered species (which are rare). The latter is not the case in with this project. Service policy is to acquire land only from willing sellers. Landowners within the

Basin would retain all of their rights, privileges, and responsibilities of private land ownership. The presence of Refuge lands in the Basin would not afford the Service any authority to impose restrictions on any private lands. Service control of access, land use practices, water management practices, hunting, fishing, and general use is limited only to those lands in which the Service purchases an appropriate realty interest.

### **Will my rights as a property owner be infringed as a result of refuge designation?**

No. If lands are developed into a refuge area, the Service will have no more authority over private land within or adjacent to the boundaries of the refuge than any other landowner. Landowners within the Basin would retain all the rights, privileges, and responsibilities of private land ownership, including the right of access, control of trespass, right to sell, and payment of taxes.

### **If I sell my land to the Service, are there any relocation benefits?**

Yes. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) provides for certain relocation benefits to home owners, businesses, and farm operators who choose to sell and relocate as a result of federal acquisition. The law provides for benefits to eligible owners and tenants in the following areas: 1) reimbursement of reasonable moving and related expenses; 2) replacement housing payments under certain conditions; 3) relocation assistance services to help locate replacement housing, farm, or business properties; and, 4) reimbursement of certain expenses incurred in selling real property to the government.

### **Are there ways the Service can acquire an interest in land without buying it outright?**

Yes. One way is by purchasing an easement from the landowner. A conservation easement involves the acquisition of certain rights that can help achieve fish and wildlife habitat objectives (for instance, encouraging certain practices such as delaying haying fields until ground nesting birds have left the nest). Easements become part of the title to the property and are usually permanent. If a landowner sells the property, the easement continues as part of the title.

Lease agreements are another tool. Leases are short-term agreements for full or specified use of the land in return for an annual rental payment that generally includes occupancy rights. For example, the Service could lease 40 acres of grassland habitat to provide safe nesting for ground nesting birds. Under this scenario, the landowner would agree not to hay or otherwise disturb the ground during the lease period.

Cooperative agreements are negotiated between the Service and other government agencies, conservation groups, or individuals. An agreement usually specifies a particular management action or activity the landowner will do, or not do, with his or her property. For example, a



simple agreement would be for the landowner to agree to delay hayland mowing until after a certain date to allow ground nesting birds to hatch their young. More comprehensive agreements are possible for such things as wetland or upland restoration, or public access. Agreements are strictly voluntary on the part of the landowner and are not legally binding. As long as a landowner abides by the terms of the agreement, this protection can be effective in meeting certain refuge objectives. Unfortunately, because these agreements are voluntary and can be modified by either party, there is no complete assurance the terms will continue to be met.

## **How will the creation of a wildlife refuge affect the area's tax base?**

The Refuge Revenue Sharing Act of June 15, 1935, as amended, provides for annual payments to counties or the lowest unit of government that collects and distributes taxes based on acreage and value of national wildlife refuge lands located within the county. The monies for these payments come from two sources: (1) net receipts from the sale of products from National Wildlife Refuge System lands (oil and gas leases, timber sales, grazing fees, etc.) and (2) annual Congressional appropriations. Annual Congressional appropriations, as authorized by a 1978 amendment, were intended to make up the difference between the net receipts from the Refuge Revenue Sharing Fund and the total amount due to local units of government.

Payments to the counties are calculated based on the following formulas which provides the largest return to the counties: (1) \$.75 per acre; (2) 25 percent of the net receipts collected from refuge lands in the county; or (3) three-quarters of 1 percent of the appraised value. Using this method, lands are reappraised every five years to reflect current market values.

In November and December of 1994, the Service canvassed all 141 counties in the eight-state area of Region 3 where refuge revenue sharing payments are made on National Wildlife Refuge System lands. The counties were asked to estimate the real estate taxes on these lands had they remained in private ownership. In Indiana, two of the three counties that receive refuge revenue sharing payments from the Service responded to the survey. In Illinois, eight of the 18 counties surveyed responded. Based on their estimates, the refuge revenue sharing payment at full entitlement for these two states is 164 percent (Indiana) and 99 percent (Illinois) of what taxes would be if the lands had remained in private ownership. It must be noted that revenue sharing payments are only made when lands are purchased in fee title. Less-than-fee purchases (such as conservation easements) remain in private ownership and thus are subject to taxation.

According to the Refuge Revenue Sharing Act which authorizes the Service to make these payments: "Each county which receives payments....shall distribute, under guidelines established by the Secretary, such payments on a proportional basis to those units of local government (including, but not limited to, school districts and the county itself in appropriate cases) which have incurred the loss or reduction in real property tax revenues by reason of existence of such area." In essence, the Act directs the counties or lowest unit of government that collects and distributes taxes to distribute refuge revenue sharing payments in the same proportion as it would for tax monies received.

**In developing the Refuge, will drainage be changed in a way that could adversely affect my property?**

No. Detailed hydrologic planning will be undertaken for all water-related activities on Service lands to ensure that Service activities do not alter drainage in any way that would cause flooding or drainage problems to private lands. The Service would not cause any artificial increase of the natural level, width, or flow of waters without ensuring that the impact would be limited to lands in which the Service has acquired an appropriate realty interest from a willing seller (e.g., fee title ownership, flowage easement, cooperative agreement). The Service would comply with all Federal and state regulations regarding development, some of which are specifically intended to ensure that the actions of one landowner do not adversely affect another. If Service activities inadvertently created a water-related problem for any private landowner (flooding, soil saturation or deleterious increase in water table height, etc.), the problem would be corrected at the Service's expense.

Through the Service's Partner's for Wildlife program, the Service has restored over 10,000 wetlands in the Great Lakes - Big Rivers Region, which includes Indiana and Illinois without consequence. The expertise gained through this experience and by coordinating with partners like the North American Waterfowl Management Plan, the States Departments of Natural Resources, the Natural Resource Conservation Service, The Nature Conservancy, and others, will help us achieve the wetland goals of this Refuge and not adversely effect others.

**If the Service acquires land in an active drainage district with an easement for maintenance of drainage, does that district retain the right of access for maintenance of drainage ditches, tile and outlets?**

Yes. Like any landowner, the Service is subject to any outstanding rights (easements) on any of the land it acquires.

**What is the Service's policy regarding crop damage resulting from increases in the wildlife population? Does the Service intend to make wildlife food plots part of its management plan?**

The Service policy is to use tools such as hunting, lure crops, and habitat manipulation to assure that wildlife, particularly local Canada geese, do not cause depredation problems on neighboring farmland. While the development of wildlife food plots is not a primary objective of this Refuge, it does remain an option, depending on the site, type of wildlife, and type of food plot. Service policy is to use the most natural means available to meet wildlife objectives. If a localized depredation problem were to arise, the Service, working in concert with the USDA Animal Damage Control Division, would be available to assist in developing a damage abatement program specific to the problem.

**Some people contend that the Service is destroying farmland when land is taken out of agricultural production and restored as wetlands, grasslands or other habitat; how do you respond?**

Restoring wetlands, grasslands, and other natural habitats protects our Nation's long-term ability to produce food and fiber crops. Soil will rebuild itself when indigenous vegetative cover is restored. On the other hand, development can degrade soil and extensive commercial or dense residential development makes it very unlikely that the land will ever be restored to agricultural purposes in the future. If the Nation's lawmakers someday decide these areas are needed for agricultural production, it will be there.

**Would the Service be required to act in accordance with the Federal Farmland Protection Policy Act as it develops this Refuge?**

Yes. In compliance with this Act, the Service would implement the project in a manner that minimizes the extent to which the proposed refuge would contribute to the conversion of farmland to nonagricultural uses. Refuge programs would also be administered in a manner that, to the extent practical, would be compatible with state and local government, and private programs and policies to protect farmland. In addition, Form AD-1006, Farmland Conversion Impact Rating, would be completed for this project. This rating system evaluates the degree to which federal projects impact farmland, and results in a score of 0 to 260. If a proposed action results in a score of 160 or less, USDA regulations require only a minimal level of consideration for protection to be provided to the site, and no additional sites need be evaluated.

**Is a federal refuge automatically closed to hunting, fishing and other recreational issues?**

Not necessarily. The alternatives considered in refuge planning are mandated by Congress (Public Law 105-57, Oct. 9, 1997) to allow compatible wildlife-dependent recreational public uses such as hunting, fishing, wildlife observation and photography, environmental education and interpretation. Goals and objectives are identified for the refuge (with public input), and the specific public uses are determined based on their consistency with the objectives established for the refuge. A refuge that serves as production areas for a federally endangered species is likely to offer less access for people during periods when the endangered species is present than at other times of the year. In Region 3, 88 percent of the refuges offer public recreational opportunities. Those that are closed include small islands or caves where endangered species or colonial nesting birds are present.

**Is this proposal associated with the United Nations or any other multilateral institution in any way?**

No. The Service is increasingly concerned about allegations that this refuge proposal is tied to the United Nations or some other multilateral institution. These allegations are false. Service programs are grounded in law and subject to the oversight of the United States Congress. The public can be assured that the United States has not and will not yield over sovereignty or control of any lands within the National Wildlife Refuge System to the United Nations or any other multilateral institution. Further, the United Nations does not have jurisdiction or authority to own or manage any U.S. property - private, county, state, or federal.

## **What is the World Heritage List and a Biosphere Reserve?**

The World Heritage List, based on a treaty of which the United States was the first signatory, contains sites that nations have voluntarily nominated as the most outstanding examples of their natural and cultural heritage, and which the nominating nations have pledged to conserve. At present, 506 properties worldwide are inscribed on the World Heritage List. The United States has placed 20 sites on the list.

Some individuals believe that inclusion of lands in the World Heritage List somehow transfers U.S. sovereignty over these lands. This is just plain false.

Biosphere Reserves conserve ecosystems of world-renowned importance, offering the world and local communities a chance to apply research and knowledge to developing sustainable human uses of natural resources.

World Heritage Sites and Biosphere Reserves have been embraced in many local areas as value-added designations. These designations have helped stimulate partnerships among federal, state, and local governments, and private property owners for mutual benefit, and additionally have contributed to notable increases in international tourism, especially vital to rural economies. Biosphere Reserves and World Heritage recognition extends only to areas that already have legal protection. Recognition is a significant honor and participation is strictly voluntary and in no way overrides domestic law.

Our Nation's long-standing participation in these international conservation programs helps us to continue to maintain a leadership role in global environmental cooperation. Our partnerships also ensure that U.S. communities continue to benefit from these international designations and that our natural, cultural, and historic treasures receive the prestige and recognition they deserve.

## **Why is the federal government involved in planning wildlife refuges? Why shouldn't states manage their own refuges?**

The purpose of creating new refuges and expanding existing refuges is to preserve wildlife, plants and their habitat for the benefit of everyone. Wildlife and habitat simply do not conform to state boundaries, and neither does citizen investment in the Nation's natural resources. For example, preserving migratory waterfowl habitat requires a comprehensive approach because flight patterns for particular species can extend across the entire length of the country. Conservation practices in one state would be jeopardized or even nullified by lesser efforts in another state along the flight pattern. Citizenship, too, extends beyond state lines, and we all have an investment in preserving this country's unique or endangered species and habitats regardless of where we live. While state departments of natural resources are responsible for managing the bulk of wildlife and habitat issues, federal involvement in refuge planning reflects this broader public interest.

## **Some people say the federal government does not have authority to acquire land. Is this true?**

No. The United States Constitution provides the following: "All legislative powers herein granted shall be vested in a Congress of the United States . . ." (Article 1, Section 1, Clause 1); and that, Congress shall have power, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this

Constitution in the Government of the United States, or any Department or Officer thereof." (Article 1, Section 8, Clause 18). One of the first related laws passed by Congress was in 1820 and is cited in the U.S. Code of Federal Regulation (41 USC 14). It states: "No land shall be purchased on account of the United States except under a law authorizing such purchase."

The following Acts (laws) have been enacted to govern the conditions by which the Kankakee Refuge proposal has been conceived and will be administered: the Migratory Bird Conservation Act of 1929, the Fish and Wildlife Act of 1956, and the Emergency Wetlands Conservation Act of 1986.

Section 304 of the Emergency Wetlands Resources Act of 1986 (Public Law 99-645) specifically states "The Secretary is authorized to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929."

The Service is mandated by the U.S. Congress to conserve, protect and restore migratory birds, threatened and endangered species and interjurisdictional fish. These are collectively referred to as Federal Trust Resources. A system of national wildlife refuges, beginning in 1903, exists today because of this national public interest.

### **Who will run the refuge if it is established?**

It would be assigned its own staff and budget.

### **I have heard that the State of Indiana is evaluating the Conservation Reserve Enhancement Program as a possible tool for the Kankakee River Basin; what is that program and how does it work?**

The Conservation Reserve Enhancement Program (CREP) is a state-federal conservation partnership program targeted to address specific state and nationally significant water quality, soil erosion and wildlife habitat issues related to agricultural use. The program uses financial incentives to encourage farmers and ranchers to voluntarily enroll in contracts of 10 to 15 years in duration to remove lands from agricultural production.

This community-based conservation program provides a flexible design of conservation practices and financial incentives to address environmental issues.

CREP is a recent refinement of the Conservation Reserve Program, a highly successful conservation program administered by the Department of Agriculture. Since 1986, the Conservation Reserve Program has provided financial incentives to farmers and ranchers to take land out of agricultural production. As these agricultural lands have been planted in trees, grass and other types of vegetation, the result has been reduced soil erosion, improved air and water quality and establishment of millions of acres of wildlife habitat.

#### **Basic CREP Features:**

1. Projects must address resource issues of state and national significance such as nutrient reduction in the Chesapeake Bay.
2. Projects must be cost-effective in comparison to other conservation programs at the state and federal levels.

3. Projects must be results oriented by providing measurable goals and outline a monitoring program to evaluate whether the program goals are being accomplished.
4. Proposals must provide for significant non-federal funding, generally anticipated to be 20 percent of total project costs.
5. Proposals must demonstrate support from farmers and ranchers and other interested groups.
6. Proposals must be consistent with applicable laws and regulations, however USDA will consider adjustments to conservation practices and payment schedules upon review of adequate justification.
7. Proposals will initially be limited to 100,000 acres for each state.
8. Producer enrollment is voluntary and will be offered on a continuous basis.

The process for CREP designation includes:

1. The governor transmits locally-developed CREP proposal to USDA.
2. An interagency panel reviews proposal and transmits comments to the governor in 60 days.
3. The governor transmits a revised proposal and draft agreement to the USDA Secretary, who with the governor negotiates and signs the agreement.

The Service fully supports this initiative by the State of Indiana and the USDA. For more information on the CREP, contact your local USDA Farm Service Agency office or local state DNR office.

### **The Draft Environmental Assessment said that many remaining habitat fragments in the Basin are degrading from surrounding agricultural uses. How is that so?**

A significant body of literature exists documenting the harmful effects of habitat fragmentation, defined as small, isolated patches of habitat in an agricultural or other altered matrix on plants and animals. These effects include: change in microclimate; increased susceptibility to aggressive exotic species, the inability of natural processes (e.g., fire) to function; the isolation of populations, leaving them vulnerable to stochastic extinction; genetic problems associated with small, isolated populations; increased susceptibility to predators and parasites; and the simple absence of sufficient space to meet life requisites. With this in mind, some agricultural uses could provide benefits in the Basin. In particular, pasture or hay ground, if managed with wildlife as one consideration, could provide an excellent buffer between more intense land uses or even in some cases, habitat for some species.

The relationship between breeding waterfowl and wetlands is one example. Breeding waterfowl are highly dependent on invertebrate foods, and the availability of these foods varies among wetland types. Shallow, eutrophic, seasonal and semipermanent wetlands are dependable recyclers of nutrients that support an available and abundant high-protein food source for many breeding waterfowl. However, food availability in wetlands is typically influenced by environmental conditions and adjacent land use activities. Seasonal wetlands adjacent to undisturbed cover typically contain a higher number of invertebrates, while wetlands adjacent to summer fallow contain lower numbers of invertebrates.

### **Is wetland loss a serious threat in the region?**

Yes. The most recent Service statistics indicate that while net loss has slowed, in part because of enforcement of section 404 of the Clean Water Act and the 1985 Farm Bill's Swampbuster and other wetland provisions, wetlands continue to be lost. The Service report to Congress, "Status and Trends of Wetlands in the Conterminous United States: Projected Trends 1985 to 1995," indicates wetland losses have dropped 60 percent from the previous decade. The report estimates that we continue to lose 117,000 acres of wetlands per year with 79 percent of the loss in the lower 48 states. The most common reason is conversion of land to agriculture.

In the State of Indiana, about 1 to 3 percent of the remaining wetlands are lost each year, primarily due to drainage for agricultural purposes (Indiana Division of Fish and Wildlife, written communication, 1993).

### **Does the Service recognize that existing land uses in the Basin make a significant contribution to local economies and have international significance as agricultural products from the area are shipped overseas?**

Yes. The Service recognizes the important contribution of agriculture in the Kankakee River Basin. We feel strongly that agriculture and the proposed Refuge must co-exist. With that in mind, we ask that people recognize the precarious position of fish and wildlife habitat in the watershed: 85 percent - 90 percent loss of wetlands, greater than 99 percent loss of oak savannas, greater than 99 percent loss of native prairie, numerous state and at least two federally endangered species. We suggest that a compromise that will ultimately enrich the quality of life of the residents of both Illinois and Indiana is in the best interest of the citizens of both states.

Agriculture is an essential land use for our country and the world. The successes of agriculture have benefitted all of us. As this Nation's primary fish and wildlife conservation agency, however, we feel that it is important now to provide an additional option to landowners in the Basin. The accumulative tools that local, state, and federal governments, as well as private organizations, can provide to protect and restore the resources of Kankakee River Basin, including farmland, ultimately improves the chances that this resource will not be jeopardized by development. We believe that this is being mindful of the future needs of all citizens without compromising individual property rights.

### **Does the Service recognize farmland as an ecosystem of importance in the Kankakee Basin?**

Yes. The Service does recognize the importance of agricultural ecosystems in the Basin. Nevertheless, agricultural ecosystems, particularly modern, intensively farmed ecosystems, generally do not in themselves provide for the life requisites of native fauna. Agricultural ecosystems reduce the diversity of native flora. In fact, landscapes dominated by agricultural ecosystems tend to have less biological diversity. At the landscape level, agricultural ecosystems like the Kankakee interrupt the interconnection of natural ecosystems. At the ecosystem level, agricultural ecosystems replace natural ecosystems, often leaving small isolated remnants of those that remain. At the species level, agricultural ecosystems are inimical, especially with respect to larger, wider ranging, or area-sensitive animals and plants. The best available science suggests that human actions have and continue to precipitate

drastic changes in biological diversity. The Service recognizes an opportunity with the proposed Refuge to work with landowners in an agricultural landscape to protect and restore biological diversity. We remain especially concerned in the Basin, in fact, with a second generation change from agricultural ecosystems to a landscape dominated by even more intensive uses (strip malls, subdivision, etc.) where that opportunity may be lost forever.

**Is the Service aware of any studies that compare the capability of various land uses to absorb and store flood waters?**

Yes. A number of studies have evaluated the flood water absorption and storage capabilities. In conjunction with the State of North Dakota, the Service evaluated the storage capacity of wetlands in the 2.4-million acre Devils Lake watershed in a 1983 study entitled "Water Storage Capacity of Natural Wetland Depressions in the Devils Lake Basin of North Dakota" (authors included Albert Ludden, D. Frink and D. Johnson). That study found that wetland depressions contain 72 percent of a two-year frequency runoff and 41 percent of a 100-year runoff. In 1993, a report by Misganaw Demissie and Abdul Khan entitled "Influence of Wetlands on Stream Flow in Illinois," described the mechanism by which wetlands affect stream flows. They found that across Illinois, peak flow decreases as the percentage of the wetland area within the watershed increases. They further concluded that this reduction was more pronounced in northern and central Illinois. Like the authors of the Devils Lake watershed study, Demissie and Khan found that flood flow volumes decrease as the percentage of watershed area increases. In a similar vein, a study by Ogawa and Male in 1983, "Flood Mitigation Potential of Inland Wetlands of the Charles River Watershed in Massachusetts," identified the importance of floodplain wetlands (particularly downstream wetlands) to peak flow.

While this is not a direct comparison, the information is relevant to the proposed Grand Kankakee Marsh National Wildlife Refuge. The predominate land use in northern and central Illinois is agriculture (an average of 91.5 percent in Kankakee and Iroquois Counties), and the results of these studies suggest that increasing wetlands would be the logical approach to decreasing flood flows.

**If the Service acquires land in an active drainage district with an easement for maintenance of drainage, does that district retain the right of access for maintenance of drainage ditches, tiles, and outlets?** Yes. The Service is subject to any outstanding rights on any of the lands it acquires.

**How does the Environmental Assessment and Concept Management Plan for the proposed Refuge specifically address flood control associated with the Kankakee River?**

The Service has said from the beginning that if this Refuge is developed, flood control and sedimentation will be a primary concern of the Refuge. Without long-term flood control, establishing and maintaining productive vegetative communities, such as bottomland forests and emergent and moist soil wetlands, would be very difficult, if not impossible. As far as "conceptually" how would the Refuge contribute to flood control efforts in the Kankakee River Basin.....restored wetlands within the river's watershed would help moderate the discharge of water to the river (volume and timing). As more rooftops, roads, and other impermeable surfaces are built in the Basin, more water is being "shed" to the river at a faster rate.



Wetlands help store water on the land. As the density or percentage of wetlands increase in the watershed, the peak flow and flood flow volume would be expected to decrease and low flows increase. According to a recent study in Illinois, an increase of one percent of wetlands in a watershed decreases the peak flow to average precipitation ratio an average of 3.7 percent, flood flow decreases 1.4 percent, and low flow increases 7.9 percent. Wetlands also affect the quality of the water by storing nutrients, reducing sediment loads, and reducing erosion. Restored tallgrass prairie would also keep more water on the land.

If the Refuge is established, the Service will work toward achieving flood control goals of cooperating organizations within the scope of our mission and that of the National Wildlife Refuge System.

### **What is environmental justice and how does it relate to this refuge proposal?**

Environmental justice refers to the principle that all citizens and communities are entitled to: (a) equal protection from environmental and occupational health or safety hazards, (b) equal access to natural resources, and (c) equal participation in the environmental and natural resource policy formulation process.

On February 11, 1994, President Clinton issued Executive Order 12898 - "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations." The purpose of this Order was to focus the attention of federal agencies on human environmental health and to address inequities that may occur in the distribution of costs/benefits, land use patterns, hazardous material transport or facility siting, allocation and consumption of resources, access to information, planning, and decision making, etc.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people. The developing environmental justice strategy of the Service extends this mission by seeking to ensure that all segments of the human population have equal access to America's fish and wildlife resources, as well as equal access to information which will enable them to participate meaningfully in activities and policy shaping.

Conservation of fish and wildlife and their habitats also provides opportunities for Americans to encounter their natural national heritage. The role of the national wildlife refuge system has evolved beyond protecting waterfowl to providing recreational and educational experiences as well. National wildlife refuges enrich people in a great variety of ways and these benefits should be equitably distributed among all segments of society.

Although many social or experiential benefits of refuges are not easily quantified, it can be demonstrated that recreational visits to national wildlife refuges generate substantial economic activity. In 1997, the Service initiated a multi-phase study to determine the impact of national wildlife refuges on their surrounding local economies. Eco-tourism refers to the relatively recent phenomenon where approximately 30,000,000 people visit refuges annually. Eco-tourism is one way to derive economic benefits from the conservation of fish and wildlife habitat. Non-resident refuge visitors pay for food, lodging, fuel, and other purchases from local businesses to pursue their recreational experience, thereby generating substantial local economic activity.

## **Can the Service and the U.S. Army Corps of Engineers work together on flood control and ecosystem restoration?**

Yes. Over the past six months the Service and the Corps have been working together developing a cooperative partnership agreement. The agreement will help the agencies consolidate resources focused on finding ways to reduce flood damage to property and natural resources, preserve ecosystem structure and function, and the protect prime farmland soils in the Basin. The Corps and the Service agree that sharing staff and information will better serve the needs of local communities and agricultural interests. Besides being fiscally smart, the combined resources of both agencies will help eliminate the duplication of effort in each agencies respective planning processes. The Refuge Comprehensive Conservation Plan and the Corps feasibility study should begin this spring and proceed on a parallel track with numerous public meetings to help identify appropriate management strategies.

## **What happens next if a national wildlife refuge is ultimately approved?**

Once a refuge is approved, a management team (which includes local citizens) will develop a Comprehensive Conservation Plan, or CCP. The CCP will determine specific management direction necessary to meet Service objectives for the Basin. With community input, the CCP will establish refuge goals and objectives, and specific management strategies for achieving those goals and objectives. Specific issues, such as cleaning up a contaminated area, the presence of an endangered species, where and how much land would the Service acquire, or managing an overabundant deer herd, would be addressed in the CCP.

## **If the refuge is developed, is the planning process the only opportunity I will have to provide input into what goes on at the refuge?**

No. Community involvement is important in refuge planning and refuge management. The Service encourages public participation in developing new refuges as well as detailed management plans for individual refuge units. Many refuges have citizen or "friends" groups that support the refuge through actively participating in refuge activities and operations.

## **How can I find out more about the National Wildlife Refuge System?**

You can request information by writing to us at:

U.S. Fish and Wildlife Service, Ascertainment and Planning, 1 Federal Drive, Ft. Snelling, MN 55111.

You can call us at 1- 800-247-1247. If you have access to the Internet, you can read about us at: <http://bluegoose.arw.rq.fws.gov>

or at: <http://www.fws.gov>

## **What is the willing buyer/willing seller policy?**

This project is framed by the policy of purchasing lands from willing sellers only. Landowners choosing not to sell would retain all the rights, privileges and obligations of land ownership. Service management activities, such as bottomland forest restoration, moist soil management and wetland enhancement, would be carried out in a manner so as not to negatively impact private property. No one would be forced into willing seller status. The Service recognizes this policy will greatly extend the time frame for acquisition and project completion. However, based on past landowner surveys and recent local contacts, land availability from willing

sellers within the proposed project area already exceeds the initial acquisition funds anticipated by the Service.

### **What opportunities will there be for public use on the refuge?**

Approximately 98 percent of the land in the National Wildlife Refuge System is open to the public. National wildlife refuges provide outdoor recreation for nearly 30 million people each year, pumping billions of dollars into local economies. Twenty-one million people visit refuges for wildlife observation; 1.4 million to hunt; 5 million to fish; 334,768 for environmental education; and others just to experience nature. Nationally, 287 refuges have hunting programs and 293 have fishing programs. The proposed Grand Kankakee Marsh National Wildlife Refuge would provide opportunities for wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

### **What will the Service do about noxious weeds?**

The Service, as is the case with any landowner, is responsible for controlling plant species that the state or local government has designated as noxious weeds. Efforts to control noxious weeds are ongoing at many Service properties across the country.

### **What if there is wildlife crop depredation?**

The Service does not anticipate a widespread increase in the incidence of crop depredation resulting from project development. In the event of a localized depredation problem, Service biologists, as well as personnel from the USDA's Animal Damage Control Division, would be available to assist any landowner develop a damage abatement program.